IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.T.SANKARAN

FRIDAY, THE 24TH AUGUST 2007 / 2ND BHADRA 1929

CRP.No. 1119 of 2005

AGAINST THE ORDER DATED 7/10/2005 IN E.P.NO.61/05 IN FILE NO.2494/01
ON THE FILE OF THE SUB COURT, PALA

REVN. PETITIONER: RESPONDENT: JUDGMENT DEBTOR:

MARIYAMMA MATHEW, NELLUVELIL HOUSE,
THALANADU P.O., KOTTAYAM DISTRICT.

BY ADV. SRI.GEORGEKUTTY MATHEW

RESPONDENT: PETITIONER: DECREE HOLDER:

THE MEENACHIL EAST URBAN CO-OPERATIVE
BANK LTD., NO. 4266, POONJAR P.O.,
KOTTAYAM DISTRICT, REPRESENTED BY ITS
GENERAL MANAGER.

BY ADV. SRI.SHAJI THOMAS PORKKATTIL

THIS CIVIL REVISION PETITION HAVING BEEN FINALLY HEARD ON 24/08/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

I.A.NO.3163/2005 IN C.R.P.NO.1119/2005

DISMISSED

24/8/2007 SD/- K.T.SANKARAN, JUDGE

//TRUE COPY//

AHZ/

K.T. SANKARAN, J.

C.R.P. NO. 1119 OF 2005 D

Dated this the 24th day of August, 2007

O R D E R

The judgment debtor in E.P.No.61 of 2005, on the file of the court of the Subordinate Judge of Pala, is the revision petitioner. She challenges the order dated 7th October, 2005, directing delivery of the property on 16.11.2005.

2. The respondent obtained an award against the petitioner for realisation of amounts due from the petitioner. In execution of the award, the property belonged to the petitioner was sold and it was purchased in auction by the respondent. No application was filed by the petitioner to set aside the sale. The respondent/decree holder filed E.P.No.61 of 2005 for delivery. The court below passed the impugned order on 7th October, 2005, directing delivery of the property on 16.11.2005. The property was delivered on 16.11.2005. This Revision was filed on 28.11.2005.

3. Probably, without bringing to the notice of this Court that delivery was effected, an order of interim stay of dispossession was obtained from this Court on 29th November, 2005, on condition that the petitioner shall deposit a sum of Rs.50,000/- before the executing court. The petitioner has not complied with that direction.

Nothing survives in this Revision. The Civil Revision Petition has become infructuous in view of the delivery effected as per the order of the Court. The Civil Revision Petition is, therefore, dismissed as infructuous.

(K.T.SANKARAN)
Judge

ahz/